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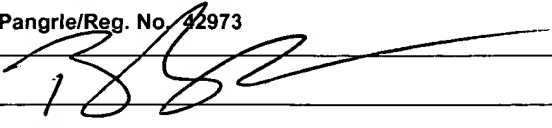
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<b>OVERSIGHT</b> <b>MAR 14 2005</b> <b>PATENT &amp; TRADEMARK OFFICE</b> <b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	09/441,729
	Filing Date	11/16/1999
	First Named Inventor	Eric D. Bloch
	Group Art Unit	2611
	Examiner Name	MATTHEW R DEMICCO
Total Number of Pages in This Submission	Attorney Docket Number	MS1-1073US

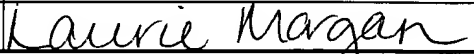
**ENCLOSURES (check all that apply)**

<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached  <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Documents <input type="checkbox"/> Response to Missing Parts/ Incomplete Application  <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input checked="" type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, <u>Reply Brief</u> ) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Receipt Post Card
Remarks <div style="text-align: right; font-size: 1.2em;">22801</div>		

**SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT**

Firm or Individual Name	Brian J. Pangrle/Reg. No. 42973
Signature	
Date	March 14, 2005

**CERTIFICATE OF TRANSMISSION/MAILING**

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Signature		Date 3/14/05

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EV549911200

O I P E J C I  
MAR 14 2005

PTO/SB/17 (12-04)

Approved for use through 07/31/2006. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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Effective on 12/08/2004, the fee schedule for the Consolidated Appropriations Act of 2005 (H. R. 2636) is in effect.

**FEE TRANSMITTAL**  
**For FY 2005**☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$ ) 0.00

**Complete if Known**

Application Number	09/441,729
Filing Date	11/16/1999
First Named Inventor	Eric D. Bloch
Examiner Name	MATTHEW R DEMICCO
Art Unit	2611
Attorney Docket No.	MS1 1073US

**METHOD OF PAYMENT** (check all that apply)☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify): \_\_\_\_\_☒ Deposit Account Deposit Account Number: 12-0769 Deposit Account Name: Lee & Hayes, PLLC

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☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee☒ Charge any additional fee(s) or underpayments of fee(s) under 37 CFR 1.16 and 1.17 ☒ Credit any overpayments

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**FEE CALCULATION****1. BASIC FILING, SEARCH, AND EXAMINATION FEES**

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	
Design	200	100	100	50	130	65	
Plant	200	100	300	150	160	80	
Reissue	300	150	500	250	600	300	
Provisional	200	100	0	0	0	0	

**2. EXCESS CLAIM FEES**

Fee Description	Fee (\$)	Small Entity Fee (\$)
Each claim over 20 or, for Reissues, each claim over 20 and more than in the original patent	50	25
Each independent claim over 3 or, for Reissues, each independent claim more than in the original patent	200	100
Multiple dependent claims	360	180

**Total Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**      **Multiple Dependent Claims**

\_\_\_\_\_ - 20 or HP = \_\_\_\_\_ x 50 = \_\_\_\_\_      **Fee (\$)**      **Fee Paid (\$)**

HP = highest number of total claims paid for, if greater than 20

**Indep. Claims**      **Extra Claims**      **Fee (\$)**      **Fee Paid (\$)**

\_\_\_\_\_ - 3 or HP = \_\_\_\_\_ x 200 = \_\_\_\_\_

HP = highest number of independent claims paid for, if greater than 3

**3. APPLICATION SIZE FEE**

If the specification and drawings exceed 100 sheets of paper, the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

**Total Sheets**      **Extra Sheets**      **Number of each additional 50 or fraction thereof**      **Fee (\$)**      **Fee Paid (\$)**

\_\_\_\_\_ - 100 = \_\_\_\_\_ / 50 = \_\_\_\_\_ (round up to a whole number) x \_\_\_\_\_ = \_\_\_\_\_

**4. OTHER FEE(S)**

Non-English Specification, \$130 fee (no small entity discount)

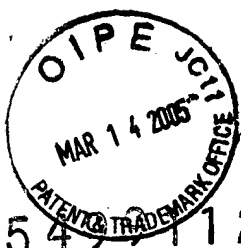
Other: \_\_\_\_\_

**SUBMITTED BY**

Signature	Registration No. 42973	Telephone (509) 324-9256
Name (Print/Type) Brian J. Pangre	(Attorney/Agent)	Date 3/14/05

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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03-15-05

*ZW*  
AF  
2611

EV 549,1200

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application Serial No. ....09/441,729  
Filing Date ..... November 16, 1999  
Inventorship ..... Bloch  
5 Assignee ..... Microsoft  
Group Art Unit..... 2611  
Examiner ..... M. Demicco  
Attorney's Docket No. .... MS1-1073US  
10 Title: Seamless playback of multiple clips of media data across a data  
network

APPEAL BRIEF TO THE BOARD OF PATENT APPEALS AND  
INTERFERENCES OF THE UNITED STATES PATENT OFFICE

To: Commissioner for Patents  
PO Box 1450  
15 Alexandria, VA 22313-1450

From: Brian J. Pangrle  
Lee & Hayes, PLLC  
421 W. Riverside Avenue, Suite 500  
20 Spokane, WA 99201

Appellant's Reply Brief on Appeal

This reply brief is presented in support of the Notice of Appeal filed on  
July 7, 2004 from the final rejection of claims 1-19 of the above identified  
application. The Final Office Action which Appellant hereby appeals was  
25 mailed April 7, 2004.

Appellant's opening brief was filed on September 10, 2004. The  
Examiner's Answer was mailed on January 13, 2005. This reply brief  
addresses arguments presented in the Examiner's Answer. Appellant  
respectfully requests reversal of the Office's rejection of pending claims 1-19.

**Reply Argument**

Appellant reiterates that, in combination, the Langford reference and the DuLac reference do not teach or suggest the claimed methods of rendering or the claimed systems. Appellant also reiterates that there is  
5 insufficient objective evidence of record to support a prima facie case of obviousness with respect to motivation to combine these two references. Yet further, Appellant maintains that even if one did combine the references, there is no expectation of success in arriving at the subject matter as claimed.

Appellant rebuts the opening, the “first argument” and the “second  
10 argument” of the Examiner’s Answer by pointing to lack of evidence and errors in the interpretation of evidence in the Langford reference. Appellant then rebuts the third through the eighth arguments based the same grounds.

In response to Appellant’s opening brief arguments, the Office states that  
15 “the remote device of DuLac reference is the magnetic disk storage of Langford and the workstation of DuLac is the edit controller of Langford”. Examiner’s Answer at page 5. For support, the Office cites the Langford reference at col. 16, lines 24-29 (the second to last paragraph of the Langford reference), which states:

It is contemplated that the system of the invention may nclude [sic]  
20 random access memory units other than laser video disk players for storing the video and audio signals which comprise the unedited takes. For example, the takes may be digitized and stored in magnetic disk drives.

Langford reference at col. 16, lines 24-29.

25

Applicant disagrees with the Office’s interpretation of this evidence and submits that it is insufficient to rebut the arguments presented in Appellant’s Opening Brief.

This cited portion of the Langford reference does not mention the off-line  
30 edit controller 30 and hence does not (1) alter the capabilities of the off-line edit

controller 30, (2) suggest that it receives media data over a data network or (3) suggest that it has additional capabilities for rendering media data.

Appellant assumes that the Langford reference is calling the “laser video disk players” “random access memory units” because any storage location can  
5 be accessed directly as opposed to magnetic tape in which an item of data would conventionally be accessed by starting from the beginning of the tape and finding an address sequentially. This evidence does not alter the fact that the “random access memory units” produce video signals, nor does it suggest that the off-line edit controller 30 can now receive media data over a data  
10 network and render such media data.

The last paragraph of the Langford reference states:

Various other modifications in the structure and method of operation of this invention will be apparent to those skilled in the art without departing from the scope and spirit of this invention. Although the  
15 invention has been described in connection with specific preferred embodiments, it should be understood that the invention as claimed should not be unduly limited to such specific embodiments.

Langford reference at col. 16, lines 30-37.

20 Thus, the evidence in the Langford reference at col. 16, lines 24-29 is simply to broaden the types of storage useable in the “random access memory units”. For example, the “laser video disk players” may be expected to include “laser video disk drives”; thus, another type of player for transmitting video signals may include “magnetic disk drives”. This evidence does not suggest  
25 that these units can transmit media data to the off-line edit controller 30 via a data network or rendering of such media data by the off-line edit controller. The Examiner’s Answer is in error because it ignores that these units are “players”, it seeks to shift the “player” functions to the off-line edit controller and it aims to create a data network for transmission of media data where none exists. For at

least this reason, Appellant submits that the arguments in the Examiner's Answer are unsupported by objective evidence of record.

5 The remainder of the Examiner's Answer relies on the faulty interpretation of the same evidence. For example, in the "third issue", which starts on page 5 of the Examiner's Answer, the Office refers to a definition for the term "rendering" ("to convert (graphics) from a file into visual form, as on a video display") and cites the aforementioned "magnetic disk drives". The Office then asserts that "the act of communicating video data stored on a magnetic disk drive (50) for display on a computer (30) monitor (35) in a window (140-10 145) of a graphical user interface clearly reads on the claimed rendering". Appellant disagrees. Again, the Langford reference teaches that the "random access memory units" provide video signals to the off-line edit controller (30). It does not teach transmission of media data over a data network that is then rendered by, e.g., a client computer.

15 The "fourth argument" addressed in the Examiner's Answer likewise hinges on the aforementioned "magnetic disk drives" and the capabilities of the off-line edit controller 30 (Examiner's Answer at page 6). The Office equates the off-line edit controller 30 with a client and states that "the communication network (56) of DuLac would simply be the transmission line between the edit 20 controller and remote disk drive of Langford". This conclusion fails to consider that the Langford reference teaches that the so-called "remote disk drive" is substitute for the storage component of the "laser video disk player", i.e., a storage component of another "random access memory unit", where the "unit" is a player transmits a video signal to an off-line edit controller.

25 The "fifth argument" addressed in the Examiner's Answer also relies on the aforementioned "magnetic disk drives" (Examiner's Answer at page 7), which are only storage components of the "random access memory units". The Office states: "the Examiner has clearly indicated how Langford teaches transmitting digitized video data from a disk to a remote editing computer".  
30 Appellant disagrees completely. The evidence clearly indicates that the "disk

drives” are storage components of the “random access memory units”, i.e., players, that can substitute for the laser video disk storage of the “laser video disk players”. Again, there is no evidence in the Langford reference to suggest that the “magnetic disk drives” transmit digitized video data to the off-line edit controller. The Langford references (col. 16, lines 28-29) states “[f]or example, the takes may be digitized and stored in magnetic disk drives”. It does not suggest that these drives are somehow connected to the off-line edit controller to send media data over a data network. Appellant submits that the “magnetic disk drives” function as a storage as would a “laser video disk drive”, which is a component of a “laser video disk player”.

The Office also cites USPN 5,852,435, which Appellant does not admit is prior art for the purposes set forth in the Examiner’s Answer. Appellant notes that USPN 5,852,435 has a filing date of April 12, 1996 and an issue date of December 22, 1998 and that the priority date of the instant application is October 18, 1996. Even if this reference is prior art, Appellant disagrees with the Office’s argument as to reasonable expectation of success. In particular, Appellant’s argument as to reasonable expectation of success did not hinge on the state of the art but rather the teachings of the Langford and DuLac references. USPN 5,852,435 does not suggest that the off-line edit controller is something other than that described and it does not suggest that the “random access memory units” perform any differently than the “laser video disk players”.

The “sixth argument” addressed in the Examiner’s Answer (page 8) relies on the “magnetic disk drives”, which may be a storage component of the “random access units”. Again, the Langford references does not disclose, teach or suggest that the “magnetic disk drives” stand alone; instead, they serve as storage components of the “random access memory units” that perform the same functions as the “laser video disk players”, i.e., they play video and transmit a video signal.

The “seventh argument” addressed in the Examiner’s Answer (pages 8-9) is lacking in sufficiency and characterization of evidence in the Langford reference. Again, the Langford reference relies on a system having a plurality of video players to send video signals to an off-line edit controller. There is no suggestion in the Langford reference that would motivate one of ordinary skill in the art to apply the teachings of the DuLac reference to such a system and arrive at the claimed subject matter.

The “eighth argument” addressed in the Examiner’s Answer (page 9) states that “both [the Langford and DuLac references] pertain to transmission and reception of video data from a remote digital video source to a workstation”. Appellant disagrees. As stated above, the Langford references teaches use of video players that send video signals to an off-line edit controller. While these video players may rely on tapes, laser video disks or magnetic disks for storage there is no evidence that they send media data via a data network. Instead, they play video from storage and transmit video signals. Further, there is no evidence that the off-line edit controller receives media data via a data network and renders such media data.

Appellant reiterates the Office erred in rejecting the claims as obvious over the Langford reference in view of the DuLac reference because the Office’s obviousness rejections are not supported by objective evidence of record (see, e.g., In re Lee, 277 F.3d 1338, 61 USPQ.2d 1430, 1433, 1434 (Fed. Cir. 2002)).

For at least the aforementioned reasons, Appellant submits that the Langford reference and the DuLac reference do not teach or suggest the subject matter of the claims; therefore, Applicant submits that these claims are patentable over the Langford and DuLac references.

It is respectfully submitted that claims 1-19, as set forth in Groups I and II, should therefore be allowed. The Office has not made a prima facie case of obviousness for any of these Groups. Reversal of the Office’s rejections of claims 1-19 is respectfully requested.



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Dated: 3/14/05

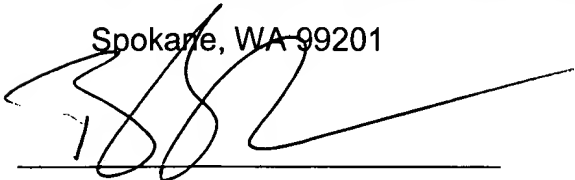
10

Respectfully Submitted,

Lee & Hayes, PLLC

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A handwritten signature in black ink, appearing to read 'BPangre', is written over a horizontal line.

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